THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.25737 of 2006

Date: 03rd January 2007

Between:
Sri Y.Venkateswarlu, s/o Kotaiah,
Aged 36 years, Occ: Agricultural coolie,
R/o Kondapi village and mandal,
Prakasam District.

... Petitioner.

And

1. The District Collector-cum-Election Authority,
   Prakasam District, Ongole and 6 others.

... Respondents.

* * *

ORDER:

The writ petition is filed for a writ of Mandamus declaring all the proceedings of the third respondent, after declaration of result in favour of the 7th respondent as elected, as illegal, contrary to law, without jurisdiction and violative of principles of natural justice or alternatively to direct the third respondent to recount the votes for the post of Sarpanch of Kondapi Gram Panchayat, Prakasam District, in accordance with Rules and pass such other suitable orders.

2. The third respondent filed a counter-affidavit in detail denying several facts, which have been narrated in the affidavit

filed in support of the writ petition. Specific stand is taken that the petitioner as such is not an aggrieved party and the petitioner has no even *locus standi* to question the same.

3. This Court is not inclined to express any opinion relating to this stand taken in the light of several factual controversies involved in the matter between the respective parties. However, it is stated that R-7 already had filed election petition O.P.No.5 of 2006 on the file of the Principal Junior Civil Judge, Kandukur, Prakasam District in relation to the same controversy.

4. In view of the facts and circumstances, the learned Principal Junior Civil Judge, Kandukur, Prakasam District, to make an endeavour to dispose of O.P.No.5 of 2006 at an early date, preferably within a period of four months, from the date of receipt of a copy of this order.

5. Accordingly, the writ petition is disposed of. It is needless to say that the writ petitioner also is entitled to pursue other remedies open to him in law, if the petitioner is so advised. No costs.

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(P.S.NARAYANA, J.)

Date: January 3, 2007.
BSB